

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CURTIS LEE MORRISON,
Plaintiff,
v.
GISELLE MATTESON, *et al.*,
Defendants.

Case No. 2:23-cv-0850-DJC-JDP (P)

ORDER; FINDINGS AND
RECOMMENDATIONS

Plaintiff, a pro se prisoner, has submitted a filing that operates as an opposition to defendants' motion to modify the scheduling order and as a motion for default judgment. ECF No. 34.

On January 4, 2024, the court directed service of plaintiff's second amended complaint against defendants Keursten and Muhammad. ECF No. 16. Defendants filed a timely answer on March 25, 2024. ECF No. 22. Thereafter, the court issued a discovery and scheduling order, which set the dispositive motion deadline as June 13, 2025. ECF No. 29. On June 4, 2025, defendants filed a motion seeking to extend the dispositive motion deadline until July 14, 2025. ECF No. 32. Defendants sought the extension, in part, due to counsel's workload and the substantial record that underlies this action. In light of counsel's representations, the court found good cause to extend the dispositive motion deadline by thirty days. ECF No. 33.

Plaintiff has since filed an opposition to the extension, arguing that any extension is

1 prejudicial due to his age and illness (long COVID-19). ECF No. 34. While the court is
2 sympathetic to plaintiff's challenges, this court routinely grants extensions, such as the one
3 requested by defendants, when good cause is shown. And the court found, having considered
4 defendants' filing, good cause.

5 In the same filing, plaintiff separately moves for default judgment. ECF No. 34. Federal
6 Rule of Civil Procedure 55(a) provides that "[w]hen a party against whom a judgment for
7 affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by
8 affidavit or otherwise, the clerk must enter the party's default." Here, defendants timely filed a
9 response to plaintiff's second amended complaint. *See* ECF No. 22. Accordingly, plaintiff's
10 motion for default against the defendants should be denied because defendants have filed a
11 responsive pleading and have not failed to otherwise defend this action. *See* Fed. R. Civ. P. 55(a).

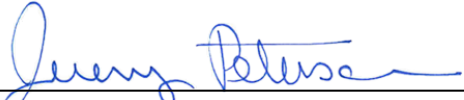
12 Accordingly, it is hereby ORDERED that the Clerk of Court assign a district judge to this
13 action.

14 Further, it is hereby RECOMMENDED that plaintiff's motion for default judgment, ECF
15 No. 34, be DENIED.

16 These findings and recommendations are submitted to the United States District Judge
17 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of
18 service of these findings and recommendations, any party may file written objections with the
19 court and serve a copy on all parties. Any such document should be captioned "Objections to
20 Magistrate Judge's Findings and Recommendations," and any response shall be served and filed
21 within fourteen days of service of the objections. The parties are advised that failure to file
22 objections within the specified time may waive the right to appeal the District Court's order. *See*
23 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.
24 1991).

1
2 IT IS SO ORDERED.

3
4 Dated: July 15, 2025


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE